

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
NORTHWESTERN DIVISION**

United States of America,)	
)	
Plaintiff,)	ORDER RE WAIVER OF DETENTION
v.)	HEARING AND PRELIMINARY
)	HEARING
Randall Lloyd Boyer,)	
)	Case No. 4:02-cr-095
Defendant.)	

The court held an initial appearance on November 13, 2006, in the above entitled case, wherein the government filed a Motion for Detention (Docket No. 50). On November 15, 2006, the defendant filed signed waiver of his right to a detention and preliminary hearing. (Docket No. 57).

Having reviewed the signed waiver, the court finds that the defendant, having had an opportunity to consult with counsel, freely and voluntarily, and knowingly and intelligently waived his right to a detention hearing and a preliminary hearing and consented to be detained pending final disposition of this matter. Further, based upon the defendant's waiver of a preliminary hearing, the court finds that. Accordingly, the court **ORDERS** that, pursuant to Rule 32.1 of the Federal Rules of Criminal Procedure, the defendant be bound over to the United States District Court to answer to the charges set forth in the amended petition. A revocation hearing has been scheduled for November 21, 2006, at 1:30 p.m. before Chief Judge Hovland in Bismarck, North Dakota.

In addition, the court **GRANTS** the government's Motion for Detention (Docket No. 50) and **ORDERS** that the defendant be committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultations with defense counsel. On order of a court of the

United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

Dated this 15th day of November, 2006.

/s/ Charles S. Miller, Jr.

Charles S. Miller, Jr.

United States Magistrate Judge